



VIA EMAIL

April 25, 2016

Chairman Ed McBroom and Committee Members
House Oversight and Ethics Committee
House Office Building Room 326
Lansing, MI

RE: Thursday, April 28 hearing on the LORA, HB 5469-5478

Dear Chairman McBroom and Committee Members:

The Michigan Coalition on Open Government believes the proposed series of bills, HB 5469-5477, amending the state Freedom of Information Act to include a Legislative Open Records Act is a comprehensive, well-drafted effort to secure transparency and accountability in the legislative branch for the people of Michigan.

Also notable in the effort is HB 5477 [Section 13 (4)] which would amend the FOIA to prevent actions that in the past have shielded what would otherwise be public records from disclosure by simply transferring them to the Governor or Lieutenant Governor's office. This has been a longstanding source of frustration for both citizens and news media. Removing the blanket FOIA exemption for the Governor and Lieutenant Governor in HB 5478 is a long overdue and most welcomed proposed change in the law.

We have applauded Governor Rick Snyder's decision to release emails concerning the Flint water crisis though not required to under the current FOIA. However, citizens have no way of knowing if this trove of emails are all that exist. Further, Governor Snyder's decision may not be followed by his successors in similar circumstances unless legally mandated. HB 5478 is a small step towards restoring people's faith in their state government leaders and departments after the ongoing tragedy in Flint.

Including the public policy section is also laudable in that it provides a guide to the courts and succeeding legislatures of the importance of providing these records to the citizens of Michigan.

Though not on today's meeting agenda, we also encourage support and passage of HB 5488 creating an Open Government Commission. A somewhat similar bill died in committee last session. HB 5488, as drafted, includes language that would give the Commission the authority to make binding decision, if requested, on complaints it receives on: the validity of exemptions claimed by the public body, on fees charged, and the records that need to be provided. It also empowers the commission to make recommendations for changes in the

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law. This pro bono appeal process would assist citizens who cannot afford the cost of filing a lawsuit in the circuit court.

We applaud the bipartisan group of legislators involved in this effort: Ed McBroom, Jeremy Moss, Lee Chatfield, John Kivela, Michael Webber, Jim Runestad, Julie Plawecki, Scott Dianda, Marilyn Lane, Jon Hoadley, Kristy Pagan, David Rutledge, Jeff Irwin, Stephanie Chang, Tom Barrett, Pat Somerville, Bill LaVoy, Martin Howrylak, George Darany, Winnie Brinks, Holly Hughes, David LaGrand, John Bizon, Gary Glenn, Tim Greimel, Lisa Lyons, Sarah Roberts, Marcia Hovey-Wright, Laura Cox, Robert Wittenberg, Amanda Price, Jim Townsend, Jim Tedder, Thomas Hooker, Gary Howell, Phil Phelps, and Peter Lucido.

We support these bills and hope they get swift approval by this committee, the full House and Senate and by the Governor.

The Michigan Coalition for Open Government is a tax exempt, Michigan nonprofit corporation founded to promote and protect transparency and accountability in the governments of the people, by the people and for the people at the local, state and federal levels.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jane Briggs-Bunting".

Jane Briggs-Bunting
President
Michigan Coalition for Open Government
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